



## 1 TITLE I—AMENDMENTS TO EXPORT

## 2 ADMINISTRATION ACT OF 1979

## 3 COMPREHENSIVE OPERATIONS LICENSE

4 SEC. 101. Section 4(a) of the Export Administration  
5 Act of 1979 (hereinafter in this Act referred to as “the Act”)  
6 (50 U.S.C. App. 2403(a)) is amended—

7 (1) by redesignating paragraph (4) as paragraph  
8 (5); and

9 (2) by inserting after paragraph (3) the following  
10 new paragraph:

11 “(4) A comprehensive operations license, author-  
12 izing multiple exports between a domestic concern and  
13 any foreign subsidiary or affiliate of that concern, in  
14 lieu of a validated license for each such export.”.

## 15 NATIONAL SECURITY CONTROLS

16 SEC. 102. (a) Subsection (b) of section 5 of the Act (50  
17 U.S.C. App. 2404(b)) is amended by adding at the end there-  
18 of the following new sentence: “No authority or permission  
19 to export may be required under this section before goods or  
20 technology are exported, in the case of exports to a country  
21 which maintains export controls on such goods or technology  
22 cooperatively with the United States.”.

23 (b) Section 5 of the Act is amended by adding at the end  
24 thereof the following new subsections:

“(m) REMOVAL OF CERTAIN CONTROLS.—(1) In any case in which during any 1-year period in which export license applications have been filed for the export of a good subject to an export control under this section, all such license applications have been approved, the Secretary shall, at the end of that 1-year period, remove the export control on exports of that good.

8       “(2) This subsection shall not apply to export controls  
9       which the United States maintains cooperatively with any  
10      other country.

11       “(n)   GOODS   CONTAINING   MICROPROCESSORS.—  
12   Export controls may not be imposed under this section on a  
13   good solely on the basis that the good contains a nonrepro-  
14   grammable imbedded microprocessor. Such an export control  
15   may be imposed on a good containing such a microprocessor  
16   only on the basis that the functions of the good itself are such  
17   that the good, if exported, would make a significant contribu-  
18   tion to the military potential of any other country or combi-  
19   nation of countries which would prove detrimental to the na-  
20   tional security of the United States.”.

21 CONSULTATION WITH OTHER COUNTRIES; REPORT TO

22 CONGRESS

23 SEC. 103. (a) Section 6 of the Act (50 U.S.C. App.  
24 2405) is amended—

1           (1) by redesignating subsections (d) through (k) as  
2           subsections (e) through (l), respectively; and

3           (2) by inserting after subsection (c) the following  
4           new subsection:

5           “(d) CONSULTATION WITH OTHER COUNTRIES.—

6 Before export controls are imposed under this section, the  
7 President shall consult with the countries with which the  
8 United States maintains export controls cooperatively, and  
9 with such other countries as the President considers appro-  
10 priate, with respect to the criteria set forth in subsection (b)  
11 and such other matters as the President considers appropri-  
12 ate.”.

13          (b) Section 6(f) of the Act, as redesignated by subsection  
14 (a)(1) of this section, is amended—

15           (1) in the second sentence by striking out “submit  
16 with such notification” and inserting in lieu thereof “,  
17 not later than ten days after the export controls are so  
18 imposed, expanded, or extended, submit to the Con-  
19 gress”;

20           (2) in paragraph (1), by striking out “and” after  
21 the semicolon;

22           (3) in paragraph (2), by striking out “(d)” and in-  
23 serting in lieu thereof “(e)” and by redesignating such  
24 paragraph as paragraph (3); and

1 (4) by inserting after paragraph (1) the following  
2 new paragraph:

3           “(2) the extent and results of the consultation  
4       with industry pursuant to subsection (c) and of the con-  
5       sultation with other countries pursuant to subsection  
6       (d); and”.

(c) Section 6(i) of the Act, as redesignated by subsection (a)(1) of this section, is amended by striking out “(f), and (g)” and inserting in lieu thereof “(e), (g), and (h)”.

10 EFFECT OF FOREIGN POLICY CONTROLS ON EXISTING  
11 CONTRACTS

12 SEC. 104. (a) Section 6 of the Act (50 U.S.C. App.  
13 2403), as amended by section 103 of this Act, is further  
14 amended by adding at the end thereof the following new sub-  
15 section:

“(m) EFFECT OF CONTROLS ON EXISTING CON-  
TRACTS.—Notwithstanding any other provision of law, any  
export controls imposed under this section may not affect any  
contract entered into before the date on which such controls  
are imposed.”.

(b) The amendment made by subsection (a) shall not apply to export controls imposed before the date of the enactment of this Act.

## 1 FOREIGN POLICY CONTROLS AUTHORITY

2 SEC. 105. (a) The first sentence of section 6(a)(1) of the  
3 Act (50 U.S.C. App. 2405) is amended to read as follows:  
4 “In order to carry out the policy set forth in paragraph  
5 (2)(B), (7), or (8) of section 3 of this Act, the President may  
6 prohibit or curtail the exportation from the United States of  
7 any goods, technology, or other information produced in the  
8 United States, to the extent necessary to further significantly  
9 the foreign policy of the United States or to fulfill its declared  
10 international obligations.”.

11 (b) Section 6 of the Act, as amended by sections 103  
12 and 104 of this Act, is further amended by adding at the end  
13 thereof the following new subsection:

14 “(n) EXPANDED AUTHORITY TO IMPOSE CON-  
15 TROLS.—(1) In any case in which the President determines  
16 that it is necessary to impose controls under this section—

17 “(A) with respect to goods, technology, other in-  
18 formation, or persons other than that authorized by  
19 subsection (a)(1); or

20 “(B) without any limitation contained in subsec-  
21 tion (c), (d), (e), (g), (h), or (m) of this section,

22 the President may impose those controls only if the President  
23 submits that determination to the Congress, together with a  
24 report pursuant to subsection (f) of this section with respect  
25 to the proposed controls, and only if a joint resolution is en-

1 acted authorizing the imposition of those controls. If such a  
2 joint resolution is introduced in either House of Congress  
3 within 30 days of continuous session after Congress receives  
4 the determination and report of the President, that joint reso-  
5 lution shall be considered in the Senate and House of Repre-  
6 sentatives in accordance with paragraphs (3) through (6) of  
7 this subsection.

8       “(2) For purposes of this subsection, the term ‘joint res-  
9 olution’ means a joint resolution the matter after the resolv-  
10 ing clause of which is as follows: ‘That the Congress, having  
11 received on                               a determination of the President  
12 under section 6(n)(1) of the Export Administration Act of  
13 1979 with respect to the export controls which are set forth  
14 in the report submitted to the Congress with that determina-  
15 tion, authorizes the President to impose those export con-  
16 trols.’, with the date of the receipt of the determination and  
17 report inserted in the blank.

18       “(3) A joint resolution once introduced shall immediate-  
19 ly be referred to the Committee on Banking, Housing, and  
20 Urban Affairs of the Senate and the Committee on Foreign  
21 Affairs of the House of Representatives. If either such com-  
22 mittee has not reported the joint resolution at the end of 30  
23 days of continuous session after its referral, such committee  
24 shall be deemed to be discharged from further consideration  
25 of the resolution.

1       “(4) When the committee has reported, or has been dis-  
2 charged from further consideration of, a joint resolution, it is  
3 at any time thereafter in order (even though a previous  
4 motion to the same effect has been disagreed to) for any  
5 Member of the respective House to move to proceed to the  
6 consideration of the resolution. The motion is highly privi-  
7 leged and is not debatable. The motion shall not be subject to  
8 amendment, or to a motion to postpone, or to a motion to  
9 proceed to the consideration of other business. A motion to  
10 reconsider the vote by which the motion is agreed to or disa-  
11 greed to shall not be in order. If a motion to proceed to the  
12 consideration of the resolution is agreed to, the resolution  
13 shall remain the unfinished business of the respective House  
14 until disposed of.

15       “(5) Debate on the joint resolution, and on all debatable  
16 motions and appeals in connection therewith, shall be limited  
17 to not more than ten hours, which shall be divided equally  
18 between individuals favoring and individuals opposing the  
19 resolution. A motion further to limit debate is in order and  
20 not debatable. An amendment to a motion to postpone, or a  
21 motion to recommit the resolution, or a motion to proceed to  
22 the consideration of other business shall not be in order. A  
23 motion to reconsider the vote by which the resolution is  
24 agreed to or disagreed to shall not be in order. No amend-  
25 ment to the resolution is in order.



1       “(6) Appeals from the decisions of the Chair relating to  
2 the application of the rules of the Senate or the House of  
3 Representatives, as the case may be, to the procedure relat-  
4 ing to such a joint resolution shall be decided without debate.

5       “(7) For purposes of this subsection—

6           “(A) continuity of session is broken only by an ad-  
7 journment of Congress sine die, and

8           “(B) the days on which either House is not in ses-  
9 sion because of an adjournment of more than three  
10 days to a day certain are excluded in the computation  
11 of any period of time in which Congress is in continu-  
12 ous session.

13       “(8) The provisions of this subsection are enacted by the  
14 Congress—

15           “(A) as an exercise of the rulemaking power of  
16 the Senate and the House of Representatives, respec-  
17 tively, and as such they are deemed a part of the rules  
18 of each House, respectively, but applicable only with  
19 respect to the procedure to be followed in that House  
20 in the case of resolutions described in paragraph (2) of  
21 this subsection; and they supersede other rules only to  
22 the extent that they are inconsistent therewith; and

23           “(B) with full recognition of the constitutional  
24 right of either House to change the rules (so far as re-  
25 lating to the procedure of that House) at any time, in

1 the same manner and to the same extent as in the case  
2 of any other rule of that House.”.

3 (c) The amendments made by subsections (a) and (b) of  
4 this section shall not apply to export controls imposed under  
5 section 6 of the Act before the date of the enactment of this  
6 Act which are extended in accordance with such section 6 on  
7 or after such date of enactment.

8 VIOLATIONS

9 SEC. 106. (a) Section 11(b) of the Act is amended—

10 (1) in paragraph (1) by inserting “or conspires or  
11 attempts to export” after “Whoever willfully exports”;  
12 and

13 (2) by inserting after paragraph (2) the following  
14 new paragraph:

15 “(3) Any person who possesses any goods or technol-  
16 ogy—

17 “(A) with the intent to export such goods or tech-  
18 nology in violation of this Act or any regulation, order,  
19 or license issued under this Act; or

20 “(B) knowing or having reason to believe that the  
21 goods or technology would be so exported;  
22 shall be subject to the penalties set forth in subsection (a),  
23 except that in the case of a violation of an export control  
24 imposed under section 5 of this Act, such person shall be

1 subject to the penalties set forth in paragraph (1) of this sub-  
2 section.”.

3 (b) Section 11(e) of the Act is amended by inserting “or  
4 any property interest or proceeds forfeited pursuant to sub-  
5 section (f)” after “subsection (c)”.

6 (c) Section 11 of the Act is amended—

7 (1) by redesignating subsections (f) and (g) as sub-  
8 sections (g) and (h), respectively; and

9 (2) by inserting after subsection (e) the following  
10 new subsection:

11 “(f) **FORFEITURE OF PROPERTY INTEREST AND PRO-**  
12 **CEEDS.**—Any person who is convicted of a violation of an  
13 export control imposed under section 5 of this Act shall, in  
14 addition to any other penalty, forfeit to the United States (A)  
15 any property interest that person has in the goods or technol-  
16 ogy that were the subject of the violation or that were used  
17 to facilitate the commission of the violation, and (B) any pro-  
18 ceeds derived directly or indirectly by that person from the  
19 transaction from which the violation arose.”.

20 (d) Section 11(h) of the Act, as redesignated by subsec-  
21 tion (c) of this section, is amended by striking out “or (f)” and  
22 inserting in lieu thereof “(f), or (g)”.

23 **ENFORCEMENT AUTHORITY**

24 **SEC. 107.** Section 12(a) of the Act (50 U.S.C. App.  
25 2411(a)) is amended—

1           (1) by inserting “(1)” immediately before the first  
2 sentence; and

3           (2) by adding at the end thereof the following new  
4 paragraphs:

5           “(2) The Secretary may designate any officer or em-  
6 ployee of the Department of Commerce to—

7           “(A) carry firearms and make arrests without  
8 warrant for any violation of this Act committed in his  
9 or her presence or view, or if the officer or employee  
10 has probable cause to believe that the person to be ar-  
11 rested has committed or is committing such a violation;

12           “(B) execute any warrant or other process issued  
13 by a court or officer of competent jurisdiction with re-  
14 spect to the enforcement of the provisions of this Act;

15           “(C) search without warrant or process any  
16 person, place, or vehicle on which, and any baggage in  
17 which, the officer or employee has probable cause to  
18 believe there are goods or technology being exported  
19 or about to be exported in violation of this Act; and

20           “(D) seize without warrant or process any goods  
21 or technology which the officer or employee has prob-  
22 able cause to believe have been, are being, or are  
23 about to be exported in violation of this Act.

24           “(3)(A) Notwithstanding any other provision of law, the  
25 authority of customs officers with respect to violations of this

1 Act shall be limited to inspection or other search for and  
2 detention and seizure of goods or technology, and any inves-  
3 tigation conducted prior to such inspection, search, detention,  
4 or seizure. Upon seizure by any customs officer of any goods  
5 or technology in the enforcement of this Act, the matter shall  
6 be referred to the Department of Commerce for further inves-  
7 tigation and other appropriate action under this Act.

8       “(B) Notwithstanding any other provision of law, not  
9 more than \$15,000,000 may be expended by the United  
10 States Customs Service in any fiscal year in the enforcement  
11 of this Act.

12       “(C) In conducting inspections of goods and technology  
13 in the enforcement of this Act, the United States Customs  
14 Service shall limit those inspections to goods and technology  
15 with respect to which the Customs Service has received spe-  
16 cific information of possible violations of this Act, and shall  
17 not conduct random inspections which would result in the  
18 detainment of shipments of goods or technology that are in  
19 full compliance with this Act.

20       “(4) All provisions of law relating to the seizure, forfeit-  
21 ure, and condemnation of articles for violation of the customs  
22 laws, the disposition of such articles or the proceeds from the  
23 sale thereof, and the remission or mitigation of such forfeit-  
24 ures, shall apply to the seizures and forfeitures incurred, or  
25 alleged to have been incurred, under the provisions of this

1 subsection or section 11(f) of this Act, insofar as such provi-  
2 sions of law are applicable and not inconsistent with the pro-  
3 visions of this subsection or section 11(f) of this Act; except  
4 that all powers, rights, and duties conferred or imposed by  
5 the customs laws upon any officer or employee of the Depart-  
6 ment of the Treasury shall, for the purposes of this subsection  
7 and section 11(f) of this Act, be exercised or performed by the  
8 Secretary or by such persons as the Secretary may  
9 designate.”.

10

## ANNUAL REPORT

11 SEC. 108. Section 14 of the Act (50 U.S.C. App. 2413)  
12 is amended—

13 (1) by redesignating paragraphs (11) through (20)  
14 as paragraphs (12) through (21), respectively; and

15 (2) by inserting after paragraph (12) the following  
16 new paragraph:

17 “(11) the removal of export controls on goods  
18 pursuant to section 5(m);”.

19

## TECHNICAL AMENDMENT

20 SEC. 109. Section 17(a) of the Act (50 U.S.C. App.  
21 2416(a)) is amended by striking out “Nothing” and inserting  
22 in lieu thereof “Except as otherwise provided in this Act,  
23 nothing”.

## 1                   AUTHORIZATION OF APPROPRIATIONS

2           SEC. 110. Section 18(b)(1) of the Act (50 U.S.C. App.  
3 2417(b)(1)) is amended to read as follows:

4                   “(1) \$22,500,000 for each of the fiscal years  
5 1984 and 1985, of which \$15,000,000 shall be availa-  
6 ble only for enforcement, and \$7,500,000 shall be  
7 available for all other activities under this Act; and”.

## 8                   TERMINATION OF AUTHORITY

9           SEC. 111. Section 20 of the Act (50 U.S.C. App. 2419)  
10 is amended to read as follows:

## 11                   “TERMINATION DATE

12                   “SEC. 20. The authority granted by this Act terminates  
13 on September 30, 1985.”.

## 14           TITLE II—EXPORT PROMOTION PROGRAMS

## 15                   REQUIREMENT OF PRIOR AUTHORIZATION

16           SEC. 201. (a) Notwithstanding any other provision of  
17 law, money appropriated to the Department of Commerce for  
18 expenses to carry out any export promotion program may be  
19 obligated or expended only if—

20                   (1) the appropriation thereof has been previously  
21 authorized by law enacted on or after the date of the  
22 enactment of this Act; or

23                   (2) the amount of all such obligations and expend-  
24 itures does not exceed an amount previously prescribed  
25 by law enacted on or after such date.

1       (b) To the extent that legislation enacted after the  
2 making of an appropriation to carry out any export promotion  
3 program authorizes the obligation or expenditure thereof, the  
4 limitation contained in subsection (a) shall have no effect.

5       (c) The provisions of this section shall not be superseded  
6 except by a provision of law enacted after the date of the  
7 enactment of this Act which specifically repeals, modifies, or  
8 supersedes the provisions of this section.

9       (d) For purposes of this title, the term “export promo-  
10 tion program” means any activity of the Department of Com-  
11 merce designed to stimulate or assist United States business-  
12 es in marketing their goods and services abroad competitively  
13 with businesses from other countries, including but not  
14 limited to—

15           (1) trade development (except for the trade adjust-  
16 ment assistance program) and dissemination of foreign  
17 marketing opportunities and other marketing informa-  
18 tion to United States producers of goods and services,  
19 including the expansion of foreign markets for United  
20 States textiles and apparel and any other United States  
21 products;

22           (2) the development of regional and multilateral  
23 economic policies which enhance United States trade  
24 and investment interests, and the provision of market-



1       ing services with respect to foreign countries and  
2       regions;

3               (3) the exhibition of United States goods in other  
4       countries; and

5               (4) the operations of the United States Commer-  
6       cial Service and the Foreign Commercial Service, or  
7       any successor agency.

8               AUTHORIZATION OF APPROPRIATIONS

9       SEC. 202. There is authorized to be appropriated for the  
10   fiscal year 1984 to the Department of Commerce to carry out  
11   export promotion programs \$100,458,000.

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